

TITLE 4: BUSINESS AND SPECIAL LICENSES, REGULATIONS

DIVISION 1: BUSINESS LICENSES AND REGULATIONS

Chapter 3: HOG RANCHES.

Sections:

- 41.031 Definitions.
- 41.032 Permit.
- 41.033 Permit Application; Fee.
- 41.034 Verification of Application, Investigation and Hearing Required.
- 41.035 Findings of Board of Supervisors; Issuance of Permit.
- 41.036 Fee Regulations; Expiration Date of Permits.
- 41.037 Renewal of Permits.
- 41.038 Application for Revision of Permit.
- 41.039 Public Nuisance.
- 41.0310 Veterinarian Inspection.
- 41.0311 Exemptions to Application of This Chapter.
- 41.0312 Prohibited Areas to Establishment of Hog Ranches.
- 41.0313 Intent Of Chapter.
- 41.0314 Persons Excluded from Obtaining a License as Described in Section 41.0312.
- 41.0315 Violation.
- 41.0316 Penalty.

41.031 Definitions.

For the purpose of this chapter, the following words and phrases are defined and shall be construed as having the following meaning:

(a) GARBAGE. The word "garbage" shall mean all animal or vegetable refuse or residue from kitchens, canneries, bakeries, restaurants, lunch stands, distilleries, wineries, meat, fish, fruit or vegetable markets, and other food handling places, and all household waste or residue that shall result from the preparation or care for, or treatment of, food stuffs intended to be used as food, or shall have resulted from the preparation or handling of food for human consumption, or any decayed or unsound meat, fish, fruit or vegetables.

(b) COMMERCIAL HOG RANCH. The term "commercial hog ranch" shall mean any premises where more than three hundred (300) head of swine are maintained, raised, fed or fattened, or where more than two (2) head of swine are maintained, raised, fed or fattened on garbage.

Adopted Ordinance #457 (1937); Amended Ordinance #661 (1950); Amended #678 (1951); Amended Ordinance #732 (1954); Amended Ordinance #978 (1962); Amended Ordinance #1522 (1969);

41.032 Permit.

It shall be unlawful for any person, firm or corporation to engage in, conduct, manage or carry on a commercial hog ranch, without first having procured the permits required under this chapter.

Adopted Ordinance #457 (1937); Amended Ordinance #661 (1950); Amended #678 (1951); Amended Ordinance #732 (1954); Amended Ordinance #978 (1962); Amended Ordinance #1522 (1969);

41.033 Permit Application: Fee.

Any person, firm or corporation desiring or proposing to engage in the commercial hog ranch business shall make written application to the Board of Supervisors of San Bernardino County for a permit so to do. Each application fee shall be fifty dollars (\$50) for hog ranches of four hundred (400) head or less and seventy-five dollars (\$75) for hog ranches having more than four hundred (400) head; provided, however, that no permit shall be granted for a commercial hog ranch for maintaining, raising, feeding or fattening more than seven hundred and fifty (750) head of swine on garbage within the area hereinafter described in Section 41.0312, except existing commercial hog ranches exceeding that figure. Each application shall be accompanied by an affidavit of the owner or principal officer of the property showing:

- (a) The name and address of the owner of the property;
- (b) The acreage of the property;
- (c) The location of the property as recorded in the office or the County Recorder;
- (d) The name and address of the proposed operator or operators of the commercial hog ranch, and if a corporation, the names and addresses of the directors thereof.

Each application shall also be accompanied by an affidavit of the operator of the commercial hog ranch, which affidavit shall set forth:

- (a) The approximate maximum number of swine to be maintained, raised, fed or fattened on said ranch;
- (b) The type of feed to be used;

- (c) The source or sources and estimated quantity of garbage and offal to be fed daily, if such feed is to be used;
- (d) Designation of the specific portion of the premises which will be used in the operation of the commercial hog ranch;
- (e) That the specific portions of the premises described therein, which are to be used for the operation of the commercial hog ranch, are not within two (2) miles of any public school, public park, the boundaries of any municipality in San Bernardino County or within one-half (1/2) mile of any occupied dwelling house not on said premises; or within seven hundred and fifty (750) feet of any public highway, unless an exception is granted by the Board upon proper application in cases of unusual hardship.

Adopted Ordinance #457 (1937); Amended Ordinance #661 (1950); Amended #678 (1951); Amended Ordinance #732 (1954); Amended Ordinance #978 (1962); Amended Ordinance #1522 (1969);

41.034 Verification of Application, Investigation and Hearing Required.

Upon receipt of any application for the maintenance and operation of a commercial hog ranch and the two affidavits required by this chapter, the Board of Supervisors shall cause said application, together with the two accompanying affidavits, to be referred immediately to the County Health Department. The applicant shall forthwith upon the request of the County Health Department, if he has not previously done so, furnish to the said Health Department a plot plan drawn to scale of the premises proposed to be occupied by said commercial hog ranch, showing the location or the proposed location, the nature and construction character of all buildings, structures, pens, food containers, feeding devices, fences and other information required by the said Department. The County Health Officer shall visit and inspect the site of the proposed commercial hog ranch. The soil character and the final movements and drainage of any effluents or waste from within the area shall be determined. If the County Health Officer is satisfied that the maintenance and operation of a commercial hog ranch as proposed in said application, affidavits and plot plan would not be a menace to public health, safety and general welfare, or animal health, or constitute a potential nuisance in the neighborhood, or constitute a potential water pollution problem, he shall, by written report to the Board of Supervisors, recommend that a permit be granted, while if he is not so satisfied he shall recommend to the Board of Supervisors that a permit not be granted.

Upon receipt of the County Health Officer's report and recommendation, the Board shall then set a date for a public hearing thereon, which date shall not be less than fifteen (15) days from the receipt of the report, and not less than ten (10) days prior to the date of said hearing the Board shall cause notice of said hearing to be given in the community or district in which such commercial hog ranch is proposed by causing to be published not less than one (1) publication stating all essential facts regarding the application and the date of hearing in a newspaper of general circulation in the community or district in which the proposed commercial hog ranch is to be located, and posting not less than two (2) signs headed by the words "Proposed Commercial Hog Ranch" in letters not less than two (2) inches in height along or upon and visible from the State or County highway nearest the premises to which the application refers, specifying the location of the proposed commercial hog ranch and the date of hearing upon the permit application.

Adopted Ordinance #457 (1937); Amended Ordinance #661 (1950); Amended #678 (1951); Amended Ordinance #732 (1954); Amended Ordinance #978 (1962); Amended Ordinance #1522 (1969);

41.035 Findings of Board of Supervisors; Issuance of Permit.

Upon the date set for hearing or the date to which said hearing may have been continued, the Board of Supervisors, after having afforded to all persons interested an opportunity to be heard, shall review all findings and evidence in the matter and if said Board of Supervisors is then satisfied that the maintenance of a commercial hog ranch as proposed in said application would not be a menace to public health, safety and the general welfare, or animal health, or be a potential nuisance in the neighborhood, or constitute a potential water pollution problem, said Board may, in the case of a commercial *hog* ranch where garbage is *not* to be fed, issue a *permit* which may be revocable for cause; and in the case of a commercial hog ranch where garbage is to be fed, the Board of Supervisors may issue a construction permit for a period of sixty (60) days, pending the installation of feeding and other equipment. When equipment shall have been installed within said sixty (60) day period such fact shall be transmitted in writing to the County Health Officer, who shall cause an inspection to be made of said equipment and a general re-inspection of the premises. If such inspection shows that satisfactory equipment conditions exist, the Health Officer shall so report in writing to the Board of Supervisors and said Board shall then issue a permit, which shall be revocable for cause. Violation of any provision of this chapter or the operation of a licensed premise in such a manner as to constitute a nuisance, shall be and constitute sufficient cause for the revocation of any permit issued hereunder. All permits shall specify the maximum number of swine to be allowed thereunder. A permit granted under this chapter shall not be transferable.

Special pasturing permits for pasturing hogs or swine on premises not included in any commercial hog ranch, may be granted by the Board of Supervisors for a period of not to exceed six (6) months, during any calendar year, provided no garbage shall be fed to such swine while being so pastured. The application for such permit shall be filed with the Board of Supervisors showing the name and address of the owner of the swine to be pastured; the owner of

the property upon which said swine are to be pastured; the number of swine; and the location and acreage to be pastured. The fee for issuing a special pasturing permit shall be one dollar (\$1).

Adopted Ordinance #457 (1937); Amended Ordinance #661 (1950); Amended #678 (1951); Amended Ordinance #732 (1954); Amended Ordinance #978 (1962); Amended Ordinance #1522 (1969);

41.036 Fee Regulations; Expiration Date of Permits.

The fees herein provided for and which must accompany the application shall be and constitute the annual fee for the permit applied for and shall not be pro-rated or refunded except in the single instance where an application for a permit is not granted. All permits issued under and by virtue of the provisions of this chapter shall expire on the thirtieth day of December of each year.

Adopted Ordinance #457 (1937); Amended Ordinance #661 (1950); Amended #678 (1951); Amended Ordinance #732 (1954); Amended Ordinance #978 (1962); Amended Ordinance #1522 (1969);

41.037 Renewal of Permits.

Upon the expiration of any permit on the 30th day of December of each year, the permittee may apply for a renewal thereof. Such application for renewal shall set forth that the applicant is applying for a permit upon the same premises set forth in the original application and shall designate the maximum number of hogs to be maintained on the land at any one time during the ensuing permit year.

Upon the filing of such application for renewal accompanied by the fee as provided for in Section 41.033 hereof, the County Clerk shall refer the application to the County Health Officer for his recommendation. The County Health Officer shall make his recommendation as to whether or not the continued operation of such ranch would be a menace or potential menace to public health, safety and general welfare of the neighborhood.

Upon receipt of a favorable recommendation from the County Health Officer, the County Clerk shall forthwith issue a renewal of the annual permit to the applicant. Upon receipt of an unfavorable report from the County Health Officer, the Board of Supervisors shall set the matter for hearing within thirty (30) days from the receipt of the report of the County Health Officer and the matter of the renewal of such permit shall be determined by the Board of Supervisors. The minutes of the Board of Supervisors shall constitute the notice of said hearing.

Adopted Ordinance #457 (1937); Amended Ordinance #661 (1950); Amended #678 (1951); Amended Ordinance #732 (1954); Amended Ordinance #978 (1962); Amended Ordinance #1522 (1969);

41.038 Application for Revision of Permit.

An application for a change in the permit during the permit year to increase the number of hogs to be maintained on such commercial hog ranch to a number in excess of that which had been granted may be made by a permittee, such application to be accompanied by the fee payable for the permit year for the number of hogs in excess of the amount which had been granted, according to the schedule as set forth in Section 41.033 herein. Upon receipt of an application to increase the number of hogs to be maintained by the applicant on the premises, such permit may be granted in the same manner and way as is provided for in the granting or denial of renewals of permits in Section 41.037 hereof.

Adopted Ordinance #457 (1937); Amended Ordinance #661 (1950); Amended #678 (1951); Amended Ordinance #732 (1954); Amended Ordinance #978 (1962); Amended Ordinance #1522 (1969);

41.039 Public Nuisance.

Any buildings or structures erected, set up, built, moved or maintained and any use of land or property established or maintained contrary to the provisions of this chapter shall be and the same is hereby declared to be a public nuisance. Nothing herein contained shall grant or be construed to grant a license or permit to maintain a public nuisance or a private nuisance.

Adopted Ordinance #457 (1937); Amended Ordinance #661 (1950); Amended #678 (1951); Amended Ordinance #732 (1954); Amended Ordinance #978 (1962); Amended Ordinance #1522 (1969);

41.0310 Veterinarian Inspection.

Any and all commercial hog ranches existing and operating within the County of San Bernardino under and pursuant to the provisions of this chapter shall be subject to inspection at any and all reasonable times by the County Public Health Veterinarian. Said Veterinarian shall file with the Board of Supervisors a written report on each commercial hog ranch in the County of San Bernardino. Said report shall be filed quarterly, that is, during the months of January, April, July and October of each calendar year, on standard forms approved by the Board of Supervisors.

Adopted Ordinance #457 (1937); Amended Ordinance #661 (1950); Amended #678 (1951); Amended Ordinance #732 (1954); Amended Ordinance #978 (1962); Amended Ordinance #1522 (1969);

41.0311 Exemptions to Application of This Chapter.

The provisions of Section 41.032 of this chapter stating distances from any public school, public park, municipal corporation, occupied dwelling house, public highway, within which distances a commercial hog ranch shall not be maintained or operated, shall not apply to commercial hog ranches in existence in the County of San Bernardino prior to the effective date of this chapter.

Adopted Ordinance #457 (1937); Amended Ordinance #661 (1950); Amended #678 (1951); Amended Ordinance #732 (1954); Amended Ordinance #978 (1962); Amended Ordinance #1522 (1969);

41.0312 Prohibited Areas to Establishment of Hog Ranches.

Three (3) years after the effective date of this chapter, no commercial hog ranch shall keep, maintain, feed or fatten more than seven hundred and fifty (750) garbage fed hogs within the following area:

Beginning at the intersection of the County boundary line between Los Angeles and San Bernardino Counties with the north line of Section 31, T4N, P, 7W, S.B.B.&M.; thence east to the northeast corner of said Section 31; thence south to the northwest corner of the south 1/2 of Section 32, same township and range; thence east to the northeast corner of the south 1/2 of said Section 32; thence south to the southwest corner of Section 33, same township and range; thence east along township lines to the northeast corner of Section 6, T3N, R3W; thence south along section lines to the southeast corner of Section 7, same township and range; thence east along section lines to the northeast corner of Section 13, same township and range; thence north along the range line to the northwest corner of Section 18, T3N, R2W; thence east along sections lines to the southwest corner of Section 9, same township and range; thence north to the northwest corner of said Section 9; thence east along sections lines to the northeast corner of Section 12, T3N, R2W; thence south along the range line to the northwest corner of Section 7, T3N, R1W; thence east along section lines to the northeast corner of Section 10; thence east along section lines to the northeast corner of Section 17, T3N, R2L S.B.B.&M.; thence south to the southeast corner of said Section 17; thence east to the northeast corner of Section 21, same township and range; thence south to the southeast corner of said Section 21; thence east along section lines to the northeast corner of Section 26, same township and range; thence south to the southeast corner of said Section 26; thence east to the northeast corner of Section 36, same township and range; thence south along the range line to the southeast corner of aforesaid T3N, R2E; thence east along the township line to the northeast corner of Section 5, T2N, R3E; thence south to the southeast corner of said Section 5; thence east to the northeast corner of Section 9, same township and range; thence south along section lines to the northwest corner of Section 27, same township and range; thence east to the northeast corner of said Section 27; thence south along the section lines to the southeast corner of Section 10, T1N, R3E; thence west along section lines to the southwest corner of Section 9, same township and range; thence south along section lines to the southeast corner of Section 20, same township and range; thence west to the southwest corner of Section 20; thence south to the southeast corner of Section 30, same township and range; thence west to the southwest corner of said Section 30; thence South along the range line to the southwest corner of aforesaid T1N, R3E; thence west along the township line to the northeast corner of T1S, R2E; thence south along the range line to the southeast corner of said township, and being on the County boundary line between Riverside and San Bernardino Counties; thence following the boundary line between Riverside and San Bernardino Counties and the boundary line between Orange and San Bernardino Counties, and the boundary line between Los Angeles and San Bernardino Counties to the intersection of said boundary line between Los Angeles and San Bernardino Counties with the north line of Section 31, T4N, R7W, the point of beginning, excepting therefrom a portion of said area described as follows: Beginning at the northwest corner of Section 12, T2S, R7W, S.B.B.&M., County of San Bernardino, State of California, said corner being at the intersection of Riverside Drive and Haven Avenue; thence southerly along the west line of Section 12 and of Section 13, same township and range, being also along Haven Avenue, to the southwest corner of the north 1/2 of said Section 13, said corner being at the intersection of Haven Avenue and Edison Avenue; thence easterly along the south line of the north 1/2 of said Section 13 to the southeast corner thereof; thence northerly along the range line between Ranges 7 and 6 West, being also along Adams Street to the northeast corner of said Section 12; thence westerly along the north line of said Section 12, being also along Riverside Drive, to the point of beginning. Within the excepted area no more than seven hundred and fifty (750) brooder sows shall be maintained at any one time.

Adopted Ordinance #457 (1937); Amended Ordinance #661 (1950); Amended #678 (1951); Amended Ordinance #732 (1954); Amended Ordinance #978 (1962); Amended Ordinance #1522 (1969);

41.0313 Intent of Chapter.

Nothing contained in this chapter shall be deemed to repeal, modify or affect any of the provisions of this Code.

Adopted Ordinance #457 (1937); Amended Ordinance #661 (1950); Amended #678 (1951); Amended Ordinance #732 (1954); Amended Ordinance #978 (1962); Amended Ordinance #1522 (1969);

41.0314 Persons Excluded from Obtaining a License as Described in Section 41.0312.

No permit shall be granted for a commercial hog ranch at a location not previously licensed under this chapter, within the area described in Section 41.0312 of this chapter.

Adopted Ordinance #457 (1937); Amended Ordinance #661 (1950); Amended #678 (1951); Amended Ordinance #732 (1954); Amended Ordinance #978 (1962); Amended Ordinance #1522 (1969);

41.0315 Violation.

The failure of any person, firm or corporation to cease the use of land or property, or to remove any buildings or structures which are maintained and used in violation of the terms of this chapter within twenty (20) days after service of notice upon him by registered mail addressed to the address of the owner or operator as listed in the application, of a written demand from the Board of Supervisors of San Bernardino County to cease such use of land or property and to remove such buildings or structures, shall be deemed a violation of this chapter, and each day during which he or they or it shall fail to remove said buildings or structures or cease to use said premises for any purpose herein prohibited after the expiration of twenty (20) days from the service of said demand shall constitute a separate offense.

Adopted Ordinance #457 (1937); Amended Ordinance #661 (1950); Amended #678 (1951); Amended Ordinance #732 (1954); Amended Ordinance #978 (1962); Amended Ordinance #1522 (1969);

41.0316 Penalty.

Any person, firm or corporation violating any provision of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by fine of not more than five hundred dollars (\$500) or by imprisonment in the County Jail for a term not exceeding six (6) months, or both such fine and imprisonment. Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this chapter is committed, constituted or permitted by such person, firm or corporation and shall be punishable as herein provided.

Adopted Ordinance #457 (1937); Amended Ordinance #661 (1950); Amended #678 (1951); Amended Ordinance #732 (1954); Amended Ordinance #978 (1962); Amended Ordinance #1522 (1969);